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August 24, 2001

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EX PARTE

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition of the State Independent Alliance and the Independent
Telecommunications Group for a Declaratory Ruling that the Basic
Universal Service Offering Provided by Western Wireless in Kansas is
Subject to Regulation as Local Exchange Service, WT Docket No. 00-239

Dear Ms. Salas:

Yesterday, Steve Watkins and I, who represent the State Independent Alliance and the Independent Telecommunications Group (together, "Petitioners") in the above-referenced proceeding, met with Commissioner Martin and Monica Desai. During the meeting, we discussed the points outlined on the attached talking points document, distributed copies of the attached most-recent Western Wireless Form 10-K in which Western Wireless again states that the service at issue is fixed, and presented for inspection one of the Fixed Wireless Terminals that is used to provide the service at issue in this proceeding.

We also reiterated that Western Wireless cannot intend for its Kansas Basic Universal Service ("BUS") offering to be a mobile service or to make it available to its mobile service customers using mobile radio equipment because BUS would cannibalize its rate plans for mobile services. As explained in the Petition and in Petitioners' reply comments, BUS provides subscribers with unlimited local calling for \$14.99 per month, while Western Wireless' cheapest mobile rate plan provides 75 minutes of local calling for \$24.99 per month.

Finally, we discussed the fact that the Kansas Corporation Commission designated Western Wireless as an ETC for non-rural areas in Kansas without applying all of the requirements otherwise applicable to ETCs who receive Kansas universal service fund support because it believed that it was preempted from so doing by Section 332.

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PLEASE

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Adams". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John B. Adams, Esq.

CC: Commissioner Martin
Monica Desai
ITS

TALKING POINTS

Petition of the State Independent Alliance and the Independent Telecommunications Group for a Declaratory Ruling that the Basic Universal Service Offering Provided by Western Wireless in Kansas is Subject to Regulation as Local Exchange Service

WT Docket No. 00-239

August 23, 2001

1. Kansas independent telephone companies have requested a Declaratory Ruling in response to the Commission's ruling that it would determine whether fixed wireless services qualified as CMRS offerings on a case by case basis.
2. The Kansas Corporation Commission has erroneously concluded that its authority to regulate the fixed wireless service of Western Wireless Corporation is preempted by Sections 332(c)(3) and (c)(8) with the result that the KCC believes it is precluded from enforcing the requirements of Kansas law establishing requirements for qualification for the Kansas state universal service support.
3. The Western Wireless Basic Universal Service offering is a local telephone service based on a "wireless local loop" which utilizes a wireless terminal manufactured by Telular. Although capable of moving, because of its size, weight, requirement for a separate telephone instrument and antenna, the Fixed Wireless Terminal does not "ordinarily" move within the meaning of Section 3(28) of the Communications Act.
4. BUS is not "incidental," "ancillary," or "auxiliary" to a mobile offering, and it is not just another rate plan. It is marketed as a stand-alone service intended to compete with wireline telephone service.
5. The Commission has expressly rejected the notion that all services offered by CMRS licensees using CMRS spectrum are CMRS.
6. Petitioner's request is consistent with sound public policy; it requires only that the Commission explain that Section 332 only preempts state regulation of mobile services, not fixed services such as BUS, and advise the KCC that it is free to make its own decisions. The requested ruling would not require the KCC to take any specific action.
7. The Kansas Corporation Commission requests the Commission to rule on the Petition.

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
Washington, DC 20549

Form 10-K

[X] Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

For the fiscal year ended December 31, 2000

Or

[] Transition Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

For the transition period from _____ to _____

Commission File Number 000-28160

WESTERN WIRELESS CORPORATION

(Exact name of registrant as specified in its charter)

WASHINGTON

91-103899-

(State or other jurisdiction of
incorporation or organization)

(IRS Employer Identification No.)

3650 131st AVENUE S.E.
BELLEVUE, WASHINGTON

9800x

(Address of principal executive offices)

(Zip Code)

(425) 586-8700

(Registrant's telephone number, including area code)

Securities registered pursuant to Section 12(b) of the Act: None

Securities registered pursuant to Section 12(g) of the Act: Class A Common Stock

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ☒ No ☐

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or

generation of wireless technology. The Company believes a CDMA platform will better support its wireless data strategy, and will attract additional roaming traffic not currently served by the Company's existing analog and TDMA network. While GSM is not currently available for 800 MHz systems, the Company will continue to evaluate the suitability of this digital platform for its subscribers and roaming customers.

The Company has been a strong proponent of wireless companies providing wireline replacement services particularly in sparsely populated rural areas and being designated as an Eligible Telecommunications Carrier ("ETC"), thereby allowing the Company access to Universal Service Fund ("USF") payments. The USF was implemented to support the provision of telephone service to rural and high cost users, as well as, to low income individuals. ETC designation would support the Company's strategy to provide fixed Wireless Residential Service ("WRS") via a wireless device, as a principal or second residential phone, while obtaining supplemental revenues in the form of USF payments to offset the cost of serving WRS customers.

ROAMING

Cellular communications providers normally agree to provide service to subscribers from other compatible wireless systems who are temporarily located in or traveling through their service areas in a practice called "roaming". Agreements among system operators provide that the carrier that normally provides services to the roaming subscriber pays the serving carrier at rates prescribed by the serving carrier. Analog cellular handsets are functionally compatible with cellular systems in all markets within the United States. As a result, analog cellular handsets may be used wherever a subscriber is located, as long as a cellular system is operational and has adequate capacity in the area and necessary roaming arrangements exist. Although analog and digital systems utilize similar technologies and hardware, they operate on different frequencies and use different technical and network standards. Dual-mode and tri-mode handsets, however, make it possible for users of one type of system to "roam" on a different type of system outside of their service area.

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The Company has deployed TDMA digital voice channels in most of its markets and will begin adding a CDMA digital technology platform in 2001. The Company's system will offer three of the four leading wireless technology platforms in the United States, consistent with its strategy to create an environment that encourages other carriers' customers to roam on the Company's network.

The Company has roaming agreements with the majority of wireless carriers in North America, including AT&T Corporation ("AT&T Wireless"), VoiceStream Wireless Corporation ("VoiceStream"), Sprint PCS L.P. ("Sprint PCS"), Verizon Wireless Corporation ("Verizon") and Cingular Wireless ("Cingular"). These arrangements allow their customers to roam on the Company's network and allow the Company's subscribers to utilize those carriers' networks. Similarly, these agreements provide attractive rates to the Company for its customers who roam in areas outside the Company's wireless network. During 2000, approximately 66% or \$150 million of the Company's roamer revenues are attributable to a single carrier, AT&T Wireless. The Company's current agreement with AT&T Wireless is in effect until May 2001. The Company expects to negotiate a new agreement with AT&T Wireless at a lower rate.

MARKETS AND SYSTEMS

The Company operates cellular systems in 18 MSAs and 88 Rural Service Areas ("RSAs"), and owns 100% of each of its cellular licenses that cover a total of nearly ten million people. The Company's experience is that several inherent attributes of RSAs and small MSAs make such markets attractive. See